

Grant County Planning Commission

April 24th, 2006

The April 24 2006 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Marlon Kinsey, Nancy Duley, Nick Kinman, Bill Marksberry, Howard Brewer, Barry Hensley, Vernon Webster, Marvin Faulkner, Dan Bates, Attorney: Tom Nienaber, Engineer: Ray Erpenbeck, Becky Ruholl

There was a quorum present.

ITEM 1: MINUTES

Howard Brewer made a motion to approve the March meeting minutes, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2: MARCH FINANCIAL REPORT

Vernon Webster made a motion to approve the March financial report, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3: ADMINISTRATORS REPORT

Becky Ruholl informed the Commission that the Budget would be ready for review at the next meeting.

ITEM 4: MAP AMENDMENT - Edward Ray Kanzleamar

APPLICANT: Edward Ray Kanzleamar

GENERAL LOCATION: 3785 Sherman Newton Road, Crittenden, KY

REQUEST: Agricultural – One (A-1) to Rural – Residential (RR).

Chairman John Lawrence declared the public hearing open.

Mr. Kanzleamar stated that he wanted to divide the mobile home from the property.

Chairman John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Chairman John Lawrence declared the public hearing closed.

Becky Ruholl read the recommendation which was approval of the application based on the findings of fact 1. the request is in conformance with the current adopted Comprehensive Plan a. the Comprehensive Plan Goals and Objectives states that farms and farming activities should be maintained, and that appropriate rural residential development should occur. B. the applicant has requested a map amendment for the purposed of creating a lot for an existing house.

Marvin Faulkner made a motion to recommend to the Grant County Fiscal Court approval of the requested map amendment, based upon the finding that the request is in substantial conformance with the provisions and policies within the Comprehensive Plan, Dan Bates seconded the motion. A roll call vote was taken: Marlon Kinsey: yes, Nancy Duley: yes, Nick Kinman: yes, Bill Marksberry: yes, Howard Brewer: yes, Barry Hensley: yes, Vernon Webster: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

ITEM 5: MAP AMENDMENT - Gertrude Anglin

APPLICANT: Gertrude Anglin

GENERAL LOCATION: 375 Independence Road, Dry Ridge, KY

REQUEST: Agricultural – One (A-1) to Rural – Residential (RR).

Chairman John Lawrence declared the public hearing open.

Cynthia Allen, representing the applicant stated that the request was to rezone the 2 acres from and the house so it could be divided from the 17 acres.

Chairman John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Chairman John Lawrence declared the public hearing closed.

Becky Ruholl read the recommendation which was approval of the application based on the findings of fact 1. the request is in conformance with the current adopted Comprehensive Plan a. the Comprehensive Plan Goals and Objectives states that farms and farming activities should be maintained, and that appropriate rural residential development should occur. B. the applicant has requested a map amendment for the purposed of creating a lot for an existing house.

Nick Kinman made a motion to recommend to the Grant County Fiscal Court approval of the requested map amendment, based upon the finding that the request is in substantial conformance with the provisions and policies within the Comprehensive Plan, Howard Brewer seconded the motion. A roll call vote was taken: Marlon Kinsey: yes, Nancy Duley: yes, Nick Kinman: yes, Bill Marksberry: yes, Howard Brewer: yes, Barry Hensley: yes, Vernon Webster: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

ITEM 6: MAP AMENDMENT - One Eleven Developers

APPLICANT: One Eleven Developers

GENERAL LOCATION: At the end of Brentwood Drive adjacent to I-75, Dry Ridge, KY

REQUEST: Residential Three (R-3) to Neighborhood Commercial (NC)

ITEM 7: MAP AMENDMENT - One Eleven Developers

APPLICANT: One Eleven Developers

GENERAL LOCATION: At the end of Stewart Lane and Kings Heights, Dry Ridge,

REQUEST: Agricultural - One (A-1) to Neighborhood Commercial (NC) and Residential – Three (R-3)

Chairman John Lawrence declared the public hearing open.

Tim Theissen, representing the applicants stated that since they were the applicants of the next 2 zone changes on the agenda and they were contiguous properties and would be in the same development they would like to have the same public hearing for both of the requests. Mr. Nienaber stated that they could do that.

Mr. Theissen stated that he would be making the presentation for the zone changes and there were three other people present to answer any questions and he presented the development for the Commission to review.. He said that the requests consisted of 2 pieces of property totaling 86 acres. He said that one of the properties was part of the Brentwood Subdivision and that Phase 5 of the subdivision would be developed and that would be the last phase. He said that Kings Drive would not connect to the new proposed road. He said that there plan was to extend Ferguson behind Wal Mart through property zoned NC currently owned by McCahrid and then connect into the Scroggins property and then on Stewart Lane. Mr. Theissen said that the original application was requesting Neighborhood Commercial and Residential Three but Dry Ridge now has a new Zoning Ordinance and now the Highway Commercial zone is in their ordinance. He said that that they would request that their application be changed to the Highway Commercial zone except for the 5 acres that adjoins Brentwood and the request would remain Neighborhood Commercial. He said that their application also requested the zoning of Residential Three which allowed 6,000 square foot lots and their plan has a minimum lot size of 8,000 square feet which meets the requirements of the Residential Two zone in the new Dry Ridge Ordinance and therefore they are requesting that their application be changed to request the Residential Two zone instead of the Residential Three Zone. Mr. Theissen said that this site for development has proper access, water and sewer has been insured by the City. He presented a letter from Williamstown stating that the waste water treatment plan has the capacity for this development and a letter from the water department stating that the water plant is adequate for the development. He said that the plan in the Highway Commercial area on the outside loop is for retails stores, restaurants and hotels. He said that there is enough acreage for large lots and they do not have any contracts on the land nor any particular users yet. He said that the new road would be connected into Brentwood but would not connect into Kings Drive. Mr. Theissen said that the current Comprehensive Plan shows this land to be developed

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at a density of 0-3 lots per acre and this development is in conformance with that plan. He said that according to the KRS 100 there are also 2 other reasons that the Commission could approve the request. The first is that there have been major changes since the Comprehensive Plan was adopted. He said this was true because of the availability of Brentwood for the connection to the South and there have been several property owners work together to put the bypass road in. He said that the other reason was that the current zoning was inappropriate and the proposed zoning was more appropriate. He said this was true because the commercial zone was more appropriate because of the visibility to I75 and was a better use of the property than having single family residences next to the interstate. Mr. Theissen said that Brentwood Subdivision was approved in 1997 and phase 5 was just recently approved and if it had been built the way it was approved then this by pass would not have been possible. He said that they chose to challenge the decision of the Commission concerning phase 5 so that this could be possible. He said that they had just recently come to an agreement with Mr. Cadel which they obtained a portion of the Brentwood property which would allow the new road to go through. He said that they had met with Linden Smith and had worked with Mr. Erpenbeck and Mr. Nienaber about this request. He said that they had reviewed the recommendation and conditions requested by Mr. Smith and they were agreeable to the condition that the main access road connect to US 25 and their plan showed that request. He also said that they were agreeable to the second condition that there be no more than 48 single family lots and they be no less than 8,000 square feet.

Chairman John Lawrence asked if anyone wished to speak for or against the request.

Wendy Boden asked what the plan was for the 2 lots at the end of the Kings Drive Loop. Mr. Bertram said that they would stay the same because they do not own those lots.

W.A. Stewart, property owner on Stewart Lane, asked if there would be sewer and water along the new road they put in at Stewart Lane. Mr. Bertram said that they would have sewer and water along the road.

Chairman John Lawrence declared the public hearing closed.

John Lawrence asked how wide the road would be to US 25. Mr. Theissen said that it would be a 3 lane road with a turn lane in the middle.

Nick Kinman asked if they were going to build the new road. Mr. Theissen said that they were.

Howard Brewer asked if the new road would have limited access. Mr. Theissen said that this would be a Commercial road and there would be curb cuts onto the road.

Howard Brewer asked Mr. Erpenbeck if based on his experience he saw any problems with this plan. Mr. Erpenbeck said that this was an excellent way to get the by pass and if it was a 3 lane road it would function very well.

Dan Bates asked if the State or the City requirements would set the width of the road. Mr. Erpenbeck said that the Subdivision Regulations would set the required width of the road based on the access to the Commercial property.

Vernon Webster asked what the minimum lot size in the R3 zone was in the new zoning Ordinance. Becky Ruholl stated that it was 6,000 square feet.

Howard Brewer asked if the Commission could request that the city post that Brentwood Subdivision road was a no truck zone so that the commercial trucks coming from the new road would not cut through the subdivision. Mr. Theissen said that the City could post those but he asked that it not be made a condition.

Vernon Webster asked if Dry Ridge upgraded Kings Heights would the plan prohibit the connection to the new road. Mr. Bertram said that they have provided right-of-way to the end of their property so that it would be possible for a connection in the future.

Becky Ruholl read the recommendation which was approval of the application with conditions based on the findings of fact 1. there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area. A. the existing Comprehensive Plan is currently being updated since it has been five years since the adoption of the current plan B. a new bypass has been constructed which add tot the accessibility of the property without increasing the level of traffic congestion within town. Conditions: 1. the main access road, which connects to Ferguson Drive to the north, be extended east towards US 25 for future connection to US 25. 2. the residential portion of this request is to be limited to 48 lots for single family detached houses and that the lots be no less than 8,000 square feet in size.

Nick Kinman made a motion to recommend to the City of Dry Ridge approval of the requested map amendment to change 24.18 acres to Highway Commercial, based upon the findings presented by the staff, Howard Brewer seconded the motion. A roll call vote was taken: Marlon Kinsey: yes, Nancy Duley: yes, Nick Kinman: yes, Bill

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Marksberry: yes, Howard Brewer: yes, Barry Hensley: yes, Vernon Webster: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

Marlon Kinsey made a motion to forward a recommendation of approval of the request of the One Eleven Developers to the Dry Ridge City Council, based upon the findings as presented that there have been major changes of an economic, physical or social nature with in the area involved which were not anticipated by the Comprehensive Plan with the following conditions: 1. the main access road, which connects to Ferguson Drive to the north, be extended east towards US 25 for future connection to US 25. 2. the residential portion of this request is to be limited to 48 lots for single family detached houses and that the lots be no less than 8,000 square feet in size. And that the Residential Three zone requested be changed to Residential Two and the Neighborhood Commercial zone requested be changed to Highway Commercial except for the 5 acres adjacent to Brentwood subdivision for which the request will remain Neighborhood Commercial. A roll call vote was taken: Marlon Kinsey: yes, Nancy Duley: yes, Nick Kinman: yes, Bill Marksberry: yes, Howard Brewer: yes, Barry Hensley: yes, Vernon Webster: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

ITEM 8: ASHLEY ESTATES - PRELIMINARY PLAT

Logan Murphy, Engineer, stated that this plat showed 114 lots and that this property has not been annexed into the City of Dry Ridge.

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending disapproval of the plat due to a condition of the zoning change by the Grant County Fiscal Court was that this property be annexed into City of Dry Ridge and this property has not been annexed into the City.

Chairman John Lawrence read a letter from County Attorney, Ed Lorenz, stating that the intent of the condition that the Fiscal Court placed on the zone change was to not allow any construction on the property until the property has been annexed into the City of Dry Ridge.

Howard Brewer asked if the City was in the process of annexing. Logan Murphy said that they would have to ask the City.

Mr. Nienaber stated that the County put the condition on the zone change that before any work could be done that the property must be annexed. He said that the subdivision couldn't be approved without sewer from the City. He stated that the Commission could approve the Preliminary Plat with the condition that the Improvement Plat not be approved until the property is annexed into the City. He asked if the applicant was agreeable to that condition. Logan Murphy stated that they believed that was the condition of the zone change.

Nick Kinman made a motion to approve the plat with the condition that the property be annexed into the City of Dry Ridge before approval of the Improvement Plat, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9: HEARTLAND MEADOWS - IMPROVEMENT PLAT

Logan Murphy, Engineer, stated that this property was located ½ mile past the High School on the North side of Warsaw Road and had been annexed into the City.

Vernon Webster said that he thought the condition on the zone change as that the community center and green space were to be in place with phase 1. Logan said that when phase 1 was complete they would submit a site plan.

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Howard Brewer made a motion to approve the plat, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10: CONVEYANCE PLATS - FEBRUARY

Dan Bates made a motion to approve the March Conveyances, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: EXECUTIVE SESSION

Nick Kinman made a motion to go into executive session to discuss personnel, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Howard Brewer made a motion to go come out of executive session, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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Chairman John Lawrence stated that no action was taken.

ITEM 12: OTHER BUSINESS

none

ITEM 13: ADJOURNMENT

Dan Bates made a motion to adjourn, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE

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